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FAX COVER SHEET

FAX #: (571) 273-8300

TO: Mail Stop Amendment, U.S.P.T.O.
Examiner Payer, Hwei Siu Chou, T.C./AU: 3723

FROM: Jeff Proehl Chris Lillo

X Kay Marshall

RE: Appln. No. 10/782,117 Filing Date: February 19, 2004
Applicant: Norman Tyler

Total Number of Pages (Including cover sheet): 7 (Please call us as soon as possible if you do not receive all pages).

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to 571-273-8300 on November 1, 2005

Kay Marshall
Signature

Kay Marshall
Printed Name

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NOV 01 2005

Attorney's Docket No. 23-0544
Client's Docket No. 15522

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re Patent Application of NORMAN TYLER)
Serial No.: 10/782,117)
Filed: 2/19/2004)
For: ROTARY BLADE HOLDING TOOL)
Examiner: PAYER, Hwei Siu Chou)
Group Art Unit: 3723)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

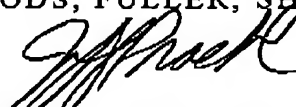
Responsive to the "Notice of Non-Compliant Amendment"
mailed October 13, 2005, applicant submits the following papers:

- 1) a copy of the "Notice of Non-Compliant Appeal Brief"
indicating that claim 10 included two status identifiers, instead of
one; and
- 2) the corrected "Claims" listing section of the previous
Amendment submitted September 26, 2005.

It is believed that the paper submitted herewith corrects the
matter noted in the Notice, and early consideration of the
Amendment and allowance is courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,117	02/19/2004	Norman Tyler	23 - 0544	5389
40158	7590	10/13/2005	EXAMINER	
WOODS FULLER SHULTZ & SMITH P.C. ATTN: JEFFREY A. PROEHL P.O. BOX 5027 SIOUX FALLS, SD 57117			PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10782117

Examiner

Applicant(s)

Art Unit

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 09/26/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Newly presented Claim 10 cannot be both "new" and "amended".

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/propnotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month, or thirty (30) days**, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

R. Johnson

Legal Instruments Examiner (LIE)

571-272-4359

Telephone No.

Appln. No. 10/782,117
Amendment dated October 31, 2005
Reply to Office Action mailed May 26, 2005

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims (deleted text being struck through and added text being underlined):

1. (Currently Amended) A rotary blade holding tool for facilitating holding a rotary blade during manipulation of the rotary blade, said rotary blade holding tool comprising:

an elongated sheath having an opening extending into said elongated sheath for snugly receiving an end of the rotary blade whereby said elongated sheath surrounds and covers the end of the rotary blade, said elongated sheath being graspable by a user such that the user prevents rotation of the rotary blade;

wherein said elongated sheath is bowed along a longitudinal axis of said elongated sheath whereby said elongated sheath securely engages the end of the rotary blade as it is inserted into said opening.

2. (Original) The rotary blade holding tool of claim 1 wherein said opening has a width of about 1 inch for receiving the end of the rotary blade.

3. (Original) The rotary blade holding tool of claim 1 wherein said elongated sheath has a length of about fifteen and one half inches.

4. (Original) The rotary blade holding tool of claim 1 wherein said elongated sheath has an oblong cross-sectional shape for facilitating comfortable grasping of said elongated sheath.

5. (Original) The rotary blade holding tool of claim 1 wherein said elongated sheath has a width of about three and one half inches.

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6. (Original) The rotary blade holding tool of claim 1 wherein said elongated sheath is structured to include an aperture extending through said elongated sheath, said aperture being positioned proximate an end of said elongated sheath opposite said opening.

7. (Cancelled)

8. (Currently Amended) The rotary blade holding tool of claim [[[7]]] 1 wherein a medial portion of said elongated sheath is offset from ends of said elongated sheath by about one sixteenth inches.

9. (Original) The rotary blade holding tool of claim 6 wherein said aperture has a diameter of about one half inches.

10. (New) A rotary blade holding tool for facilitating holding a rotary blade during manipulation of the rotary blade, said rotary blade holding tool comprising:

an elongated sheath having an opening extending into said elongated sheath for snugly receiving an end of the rotary blade whereby said elongated sheath surrounds and covers the end of the rotary blade, said elongated sheath being graspable by a user such that the user prevents rotation of the rotary blade;

wherein said elongated sheath is bowed along a longitudinal axis of said elongated sheath whereby said elongated sheath securely engages the end of the rotary blade as it is inserted into said opening; and

wherein a medial portion of said elongated sheath is offset from ends of said elongated sheath by about one sixteenth inches.

11. (New) The rotary blade holding tool of claim 10 wherein said opening has a width of about 1 inch for receiving the end of the rotary blade.

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12. (New) The rotary blade holding tool of claim 10 wherein said elongated sheath has a length of about fifteen and one half inches.

13. (New) The rotary blade holding tool of claim 10 wherein said elongated sheath has an oblong cross-sectional shape for facilitating comfortable grasping of said elongated sheath.

14. (New) The rotary blade holding tool of claim 10 wherein said elongated sheath has a width of about three and one half inches.

15. (New) The rotary blade holding tool of claim 10 wherein said elongated sheath is structured to include an aperture extending through said elongated sheath, said aperture being positioned proximate an end of said elongated sheath opposite said opening.

16. (New) The rotary blade holding tool of claim 15 wherein said aperture has a diameter of about one half inches.